

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Mike Springer,	:	
Plaintiff	:	
	:	Civil Action 2:06-cv-00271
v.	:	Judge Watson
Gary sims, <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants	:	

REPORT AND RECOMMENDATION

Plaintiff Gary Springer, a State prisoner, brings this action under 28 U.S.C. §1983 alleging that defendants compelled him to work on Sundays in violation of his Christian religious beliefs. This matter is before the Magistrate Judge in accordance the provisions of 28 U.S.C. §636(b)(1)(B) for a report and recommendation on defendants unopposed January 26, 2007 motion to dismiss or, in the alternative, to compel discovery and extend the case-dispositive motion deadline (doc. 17).

Defendants move to dismiss base on plaintiff Springer's failure to prosecute this lawsuit. Defendants noticed Springer for depositions, but he failed to appear. Thus, I conclude that this case should be dismissed for want of prosecution.

Accordingly, the Magistrate Judge **RECOMMENDS** that defendants unopposed January 26, 2007 motion to dismiss (doc. 17) be **GRANTED**.

If any party objects to this Report and Recommendation, that party may, within ten (10) days, file and serve on all parties a motion for reconsideration by the Court,

specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. *See* 28 U.S.C. §636(b)(1)(B); Fed. R. Civil. P. 72(b).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *Thomas v. Arn*, 474 U.S. 140, 150-152 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See also Small v. Secretary of Health and Human Services*, 892 F.2d 15, 16 (2d Cir. 1989).

s/Mark R. Abel
United States Magistrate Judge